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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 NEXTDOOR.COM, INC., a Delaware  
12 corporation,

13 Plaintiff,

14 vs.

15 RAJ ABHYANKER, an individual,

16 Defendant.

17 RAJ ABHYANKER, an individual,

18 Counterclaimant,

19 vs.

20 NEXTDOOR.COM, INC., a Delaware  
21 corporation; PRAKASH  
22 JANAKIRAMAN, an individual;  
23 BENCHMARK CAPITAL PARTNERS  
24 VII, L.P., a Delaware limited partnership;  
25 BENCHMARK CAPITAL  
MANAGEMENT CO. VII LLC, a  
Delaware limited liability company;  
SANDEEP SOOD, an individual;  
MONSOON COMPANY, an unknown  
business entity, and DOES 1–50, inclusive;

26 Counterdefendants.

Case No. 3:12-cv-05667-EMC

**DEFENDANT RAJ ABHYANKER'S  
STATEMENT OF NON-OPPOSITION TO  
COUNTERDEFENDANTS' MOTIONS TO  
DISMISS AND STATEMENT OF INTENT  
TO FILE FIRST AMENDED ANSWER  
AND COUNTERCLAIMS BY APRIL 8,  
2013**

Date: May 9, 2013

Time: 1:00 p.m.

Courtroom: 5

Judge: Honorable Edward M. Chen

1 On January 10, 2013, Defendant Raj Abhyanker ("Abhyanker") filed his Answer and  
2 Counterclaims. (PACER Document No. 16.) In response, on March 15, 2013,  
3 Counterdefendants Nextdoor.com, Prakesh Janakirman, Benchmark Capital Partners VII, L.P.,  
4 Benchmark Capital Management Co. VII LLC, Sandeep Sood, and Monsoon Company each filed  
5 motions to dismiss. (PACER Document Nos. 38, 40, and 46.) In addition, Nextdoor.com and  
6 Prakesh Janakirman's combined Motion to Dismiss also included a request to strike  
7 Abhyanker's affirmative defenses. (PACER Document No. 38.)

8 Pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure ("FRCP"),  
9 Abhyanker is entitled to amend his Answer and Counterclaim once as a matter of right within 21  
10 days of the motions to dismiss filed by the Counterdefendants. In this regard, even though  
11 Abhyanker's opposition to the motions would be due today (14 days after the motions to dismiss  
12 were filed), the law is clear that Abhyanker is entitled to 21 days to amend his pleading. FRCP  
13 15(a)(1)(B); *Diamond State Ins. Co. v. ATB Sales Ltd.*, 2012 U.S. Dist. LEXIS 12048, at \*15  
14 (N.D. Cal. 2012); *Bernardi v. JPMorgan Chase Bank, N.A.*, 2012 U.S. Dist. LEXIS 12822, at \*11  
15 (N.D. Cal. 2012). Therefore, Abhyanker is entitled to file his amended pleading by April 5, 2013,  
16 21 days after the Counterdefendants filed their motions to dismiss on March 15, 2013.

17 However, because Counterdefendants served their motions by ECF (and one  
18 counterdefendant served by mail in addition to serving by ECF), Abhyanker's time to file his  
19 amended pleading is extended by three calendar days. FRCP 5(b)(2)(E); FRCP 6(d); *Richardson*  
20 *v. Air Serv*, 2012 U.S. Dist. LEXIS 48553, AT \*9-10 (D. Idaho 2012); *Fox v. City of Sacramento*,  
21 2011 U.S. Dist. LEXIS 108797, at \*5 n.2 (E.D. Cal. 2011). Accordingly, Abhyanker's time to  
22 amend his pleading is extended by three days from April 5, 2013 to April 8, 2013. Abhyanker  
23 will file his amended pleading on or before April 8, 2013.

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1 Dated: March 29, 2013

Respectfully submitted,

LEGALFORCE RAJ ABHYANKER, P.C.

4 By /s/ Bruno W. Tarabichi

Bruno W. Tarabichi

Kuscha Hatami

Attorneys for Defendant

Raj Abhyanker